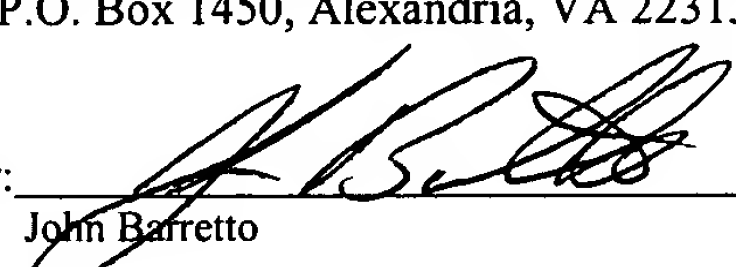




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Darst, et al.	Examiner: Borin, Michael L.
Serial No.: 09/782,714	Group Art Unit: 1631
Filed: February 13, 2001	Docket No.: IPT-011.02 (23298-01102)
For: <i>A Crystal of Bacterial Core RNA Polymerase</i>	

**Mail Stop AF**  
**Commissioner for Patents**  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>Certificate of First Class Mailing</b>	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:	
August 26, 2004 Date of Signature and Mail Deposit	By:  John Barretto

**NOTICE OF APPEAL TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner finally rejecting Claims 1-8, mailed April 26, 2004. A Response to the decision and Amendment after Final are filed concurrently herewith.

A check in the amount of the Appeal Fee of \$165.00 for a small entity is enclosed.

We believe that we have appropriately provided for fees due in connection with this submission, however, if there are any other fees due in connection with the filing of this Response, please charge the fees to our Deposit Account No. **06-1448** (Reference IPT-011.02).

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1000.

08/31/2004 CNGUYEN 00000013 09782714

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165.00 OP

Respectfully submitted,  
FOLEY HOAG, LLP

By: 

Jennifer A. Zarutskie  
Reg. No. 50,558  
Agent for Applicants

Dated: August 26, 2004  
Foley Hoag, LLP  
155 Seaport Blvd.  
Boston, MA 02210  
Telephone: (617) 832-1000  
Facsimile: (617) 832-7000  
***Customer Number 25181***